

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

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CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FL  
OCALA, FLORIDA

JESSE SCURLOCK, )  
)  
Plaintiff, )  
)  
v. )  
)  
MARION COUNTY SHERIFF'S OFFICE, )  
)  
KARLA CHARTIER, in her individual and )  
official capacities, )  
)  
CALVIN BATTS, in his individual and official )  
capacities, )  
)  
Defendants. )

Case No. *5:13-CV-107-OC-22 PRL*

JURY DEMAND

**Complaint and Jury Demand**

Plaintiff, Jesse Scurlock, by his attorney, complains against the Marion County Sheriff's Office, Karla Chartier, and Calvin Batts, (hereinafter, "Defendants") as follows:

**Nature of the Action**

1. This is an action for money damages, declaratory and injunctive relief brought pursuant to 42 U.S.C. § 1983 and 1988 and the Fourth and Fourteenth Amendments to the United States Constitution and under the law of the State of Florida.

2. Plaintiff Scurlock alleges that Defendant Chartier made an unreasonable and illegal search and seizure of his person, battered and falsely imprisoned him by physically restraining him without cause. Plaintiff alleges that these constitutional violations were committed as a result of the customs and policies of the Marion County Sheriff's Office and that the Marion County Sheriff's Office is therefore liable under the theory of respondeat superior for the torts committed by Defendant Chartier.

### **Jurisdiction and Venue**

3. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 as the Plaintiff's cause of action arises under 42 U.S.C. § 1983 and the United States Constitution. This Court has supplemental jurisdiction over the claims arising under Florida state law pursuant to 28 U.S.C. § 1367.

4. The Middle District of Florida is the proper venue for this action pursuant to 28 U.S.C. §1391 (b)(1) and (b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in Marion County, Florida.

### **Parties**

5. Plaintiff Jesse Scurlock is an adult citizen of the United States who resides in Marion County in the State of Florida.

6. Defendant Karla Chartier is a deputy sheriff with the Marion County Sheriff's Office and was so employed when the events at issue occurred. She is sued in her individual and official capacities.

7. Defendant Calvin Batts is a deputy sheriff with the Marion County Sheriff's Office and was so employed when the events at issue occurred. He failed to take reasonable steps to end the unlawful actions in this complaint. He is sued in his individual and official capacities.

8. Defendant Marion County Sheriff's Office is an office established by the Florida Constitution and headed by an elected sheriff, presently Sheriff Chris Blair. Defendant Marion County Sheriff's Office is the public employer of Defendants Chartier and Batts.

### **Factual Background**

9. On the evening of September 11, 2011, at about 11:50 p.m. the Plaintiff, Jesse Scurlock, was outside walking past Ma Barker's bar in Ocklawaha, Marion County, Florida.

10. Andrew Ghigliotty, who had had disagreements with the Plaintiff in the past and who was at that time dating the Plaintiff's former girlfriend Christine Tannock, a bartender at Ma Barker's bar, came out of Ma Barker's and began to engage in a verbal dispute with the Plaintiff.

11. The dispute spilled out into the street when the Plaintiff left the bar and Ghigliotty pursued the Plaintiff outside.

12. The Plaintiff's mother, Jill Taylor, arrived on the scene and watched Ghigliotty lift his shirt and pull a pistol from the waistband of his pants and point it at the Plaintiff while moving towards him. Taylor got in between Ghigliotty and the Plaintiff while other people yelled at Ghigliotty to put the gun away.

13. The Plaintiff got around Taylor and confronted Ghigliotty while Taylor went into the bar and called 911 to report that Ghigliotty was threatening the Plaintiff with a pistol.

14. The Plaintiff defended himself by attempting to physically keep Ghigliotty from shooting him and during the scuffle, Ghigliotty shot himself in the hand with his own pistol.

15. Taylor heard the shot as she was on the phone with the 911 operator during this time at which time Ghigliotty entered the bar and Taylor informed the 911 operator that he had the gun in his left hand.

16. The 911 operator was relaying the information that Taylor was providing to her to the responding deputies, including the Defendants Chartier and Batts.

17. Ghigliotty then left the scene, carrying the gun, entering his black Dodge and heading west on County Road 25 as the Plaintiff left the scene as well and Defendants Batts and Chartier arrived on the scene to investigate.

18. Taylor remained on the phone with 911 until Defendants Batts and Chartier and the other deputies arrived. Tannock spoke with Defendant Batts and advised him that Ghigliotty pulled the gun on the Plaintiff and the Plaintiff attempted to defend himself by taking the gun from Ghigliotty.

19. Defendant Chartier spoke with witness Victor Angelo Rocchi who informed Defendant Chartier that the gun belonged to Ghigliotty, who was a friend of Rocchi's, and Rocchi picked up the gun magazine and a round that had fallen to the ground and hid them across the street from the bar.

20. Other deputies were setting up a perimeter and K-9 Deputy Combs encountered Ghigliotty actively hiding from law enforcement by concealing himself in bushes at the 12500 block of S.E. 135th Terrace in Ocklawaha. Ghigliotty untruthfully reported to Defendant Batts that the Plaintiff had introduced the gun into the altercation and shot him in his right hand.

21. Defendant Chartier placed the gun magazine and round into evidence at the Marion County Sheriff's Office, but failed to have the magazine or round processed for fingerprints to attempt to better determine the ownership of the firearm.

22. Defendant Batts filed his report regarding this incident the morning of September 12, 2011, and Defendant Chartier had access to all the information contained

in Defendant Batts's report, including the statement from Tannock that Ghigliotty had the gun and that Ghigliotty had been actively hiding from her fellow deputies.

23. Defendant Chartier also had access to the reports from the 911 operator which included Taylor's statements that Ghigliotty had the gun and was threatening the Plaintiff and took the statement from Rocchi.

24. At 6:24 a.m on September 12, 2011, Defendant Chartier arrested the Plaintiff for aggravated battery with a firearm and did not conduct a gunshot primer residue test to determine whether or not the Plaintiff had fired the pistol. Defendant Chartier also admitted to the Plaintiff that she knew the gun was not his but that the whole matter was "a cluster fuck" and that she "had to arrest somebody".

25. The Plaintiff was booked into the Marion County Jail ("jail"), which is run by the Defendant, Marion County Sheriff's Office, and was held on a fifty thousand dollar (\$50,000.00) bond, which the Plaintiff was unable to afford. The Plaintiff retained criminal defense attorney Melanie Slaughter to represent him in the criminal case and contracted with attorney Slaughter in the amount of seven thousand five hundred dollars (\$7,500.00) to represent him in that case.

26. The Plaintiff was held by the Defendant, Marion County Sheriff's Office, in the jail for twenty-nine days, until the Office of the State Attorney ("State") filed an announcement of no information on October 11, 2011 at which time the Plaintiff was released from custody.

27. The Plaintiff lost his job as a result of his arrest by Defendant Chartier and subsequent weeks of incarceration.

28. The State filed a 10-20-Life decline memorandum on November 18, 2011, in which the lack of probable cause for the Plaintiff's arrest and Defendant Chartier's failure to speak with the State about her decision to arrest the Plaintiff were both detailed.

29. As a direct and proximate result of the actions of the Defendants, the Plaintiff suffered the following injuries and damages:

a. Violation of his constitutional rights under the Fourth and Fourteenth Amendments of the United States Constitution to be free from unreasonable search and seizure of his person;

b. Loss of physical liberty of his person; and

c. Intentional, offense contact with his body.

30. The actions of the Defendants violated the clearly established and well settled constitutional rights of the Plaintiff:

a. Freedom from the unreasonable search and seizure of his person.

31. At all relevant times the Defendants Chartier and Batts were operating under color of law and under color of authority as deputy sheriffs, employees, and/or agents of the Defendant Marion County Sheriff's Office and the State of Florida.

**COUNT I: 42 U.S.C. § 1983 AGAINST DEFENDANTS CHARTIER AND BATTS**

32. On the evening of September 11, 2011, at about 11:50 p.m. the Plaintiff, Jesse Scurlock, was outside walking past Ma Barker's bar in Ocklawaha, Marion County, Florida.

33. Andrew Ghigliotty, who had had disagreements with the Plaintiff in the past and who was at that time dating the Plaintiff's former girlfriend Christine Tannock, a

bartender at Ma Barker's bar, came out of Ma Barker's and began to engage in a verbal dispute with the Plaintiff.

34. The dispute spilled out into the street when the Plaintiff left the bar and Ghigliotty pursued the Plaintiff outside.

35. The Plaintiff's mother, Jill Taylor, arrived on the scene and watched Ghigliotty lift his shirt and pull a pistol from the waistband of his pants and point it at the Plaintiff while moving towards him. Taylor got in between Ghigliotty and the Plaintiff while other people yelled at Ghigliotty to put the gun away.

36. The Plaintiff got around Taylor and confronted Ghigliotty while Taylor went into the bar and called 911 to report that Ghigliotty was threatening the Plaintiff with a pistol.

37. The Plaintiff defended himself by attempting to physically keep Ghigliotty from shooting him and during the scuffle, Ghigliotty shot himself in the hand with his own pistol.

38. Taylor heard the shot as she was on the phone with the 911 operator during this time at which time Ghigliotty entered the bar and Taylor informed the 911 operator that he had the gun in his left hand.

39. The 911 operator was relaying the information that Taylor was providing to her to the responding deputies, including the Defendants Chartier and Batts.

40. Ghigliotty then left the scene, carrying the gun, entering his black Dodge and heading west on County Road 25 as the Plaintiff left the scene as well and Defendants Batts and Chartier arrived on the scene to investigate.

41. Taylor remained on the phone with 911 until Defendants Batts and Chartier and the other deputies arrived. Tannock spoke with Defendant Batts and advised him that Ghigliotty pulled the gun on the Plaintiff and the Plaintiff attempted to defend himself by taking the gun from Ghigliotty.

42. Defendant Chartier spoke with witness Victor Angelo Rocchi who informed Defendant Chartier that the gun belonged to Ghigliotty, who was a friend of Rocchi's, and Rocchi picked up the gun magazine and a round that had fallen to the ground and hid them across the street from the bar.

43. Other deputies were setting up a perimeter and K-9 Deputy Combs encountered Ghigliotty actively hiding from law enforcement by concealing himself in bushes at the 12500 block of S.E. 135th Terrace in Ocklawaha. Ghigliotty untruthfully reported to Defendant Batts that the Plaintiff had introduced the gun into the altercation and shot him in his right hand.

44. Defendant Chartier placed the gun magazine and round into evidence at the Marion County Sheriff's Office, but failed to have the magazine or round processed for fingerprints to attempt to better determine the ownership of the firearm.

45. Defendant Batts filed his report regarding this incident the morning of September 12, 2011, and Defendant Chartier had access to all the information contained in Defendant Batts's report, including the statement from Tannock that Ghigliotty had the gun and that Ghigliotty had been actively hiding from her fellow deputies.

46. Defendant Chartier also had access to the reports from the 911 operator which included Taylor's statements that Ghigliotty had the gun and was threatening the Plaintiff and took the statement from Rocchi.



47. At 6:24 a.m on September 12, 2011, Defendant Chartier arrested the Plaintiff for aggravated battery with a firearm and did not conduct a gunshot primer residue test to determine whether or not the Plaintiff had fired the pistol. Defendant Chartier also admitted to the Plaintiff that she knew the gun was not his but that the whole matter was "a cluster fuck" and that she "had to arrest somebody".

48. The Plaintiff was booked into the Marion County Jail ("jail"), which is run by the Defendant, Marion County Sheriff's Office, and was held on a fifty thousand dollar (\$50,000.00) bond, which the Plaintiff was unable to afford. The Plaintiff retained criminal defense attorney Melanie Slaughter to represent him in the criminal case and contracted with attorney Slaughter in the amount of seven thousand five hundred dollars (\$7,500.00) to represent him in that case.

49. The Plaintiff was held by the Defendant, Marion County Sheriff's Office, in the jail for twenty-nine days, until the Office of the State Attorney ("State") filed an announcement of no information on October 11, 2011 at which time the Plaintiff was released from custody.

50. The Plaintiff lost his job as a result of his arrest by Defendant Chartier and subsequent weeks of incarceration.

51. The State filed a 10-20-Life decline memorandum on November 18, 2011, in which the lack of probable cause for the Plaintiff's arrest and Defendant Chartier's failure to speak with the State about her decision to arrest the Plaintiff were both detailed.

52. As a direct and proximate result of the actions of the Defendants, the Plaintiff suffered the following injuries and damages:

a. Violation of his constitutional rights under the Fourth and Fourteenth Amendments of the United States Constitution to be free from unreasonable search and seizure of his person;

b. Loss of physical liberty of his person; and

c. Intentional, offense contact with his body.

53. The actions of the Defendants violated the clearly established and well settled constitutional rights of the Plaintiff:

a. Freedom from the unreasonable search and seizure of his person.

54. At all relevant times the Defendants Chartier and Batts were operating under color of law and under color of authority as deputy sheriffs, employees, and/or agents of the Defendant Marion County Sheriff's Office and the State of Florida.

55. Plaintiff claims damages under 42 U.S.C. § 1983 for the injuries set forth above by Defendants Chartier and Batts for violation of his constitutional rights under color of law.

## **COUNT II: FALSE IMPRISONMENT**

56. On the evening of September 11, 2011, at about 11:50 p.m. the Plaintiff, Jesse Scurlock, was outside walking past Ma Barker's bar in Ocklawaha, Marion County, Florida.

57. Andrew Ghigliotty, who had had disagreements with the Plaintiff in the past and who was at that time dating the Plaintiff's former girlfriend Christine Tannock, a bartender at Ma Barker's bar, came out of Ma Barker's and began to engage in a verbal dispute with the Plaintiff.

58. The dispute spilled out into the street when the Plaintiff left the bar and Ghigliotty pursued the Plaintiff outside.

59. The Plaintiff's mother, Jill Taylor, arrived on the scene and watched Ghigliotty lift his shirt and pull a pistol from the waistband of his pants and point it at the Plaintiff while moving towards him. Taylor got in between Ghigliotty and the Plaintiff while other people yelled at Ghigliotty to put the gun away.

60. The Plaintiff got around Taylor and confronted Ghigliotty while Taylor went into the bar and called 911 to report that Ghigliotty was threatening the Plaintiff with a pistol.

61. The Plaintiff defended himself by attempting to physically keep Ghigliotty from shooting him and during the scuffle, Ghigliotty shot himself in the hand with his own pistol.

62. Taylor heard the shot as she was on the phone with the 911 operator during this time at which time Ghigliotty entered the bar and Taylor informed the 911 operator that he had the gun in his left hand.

63. The 911 operator was relaying the information that Taylor was providing to her to the responding deputies, including the Defendants Chartier and Batts.

64. Ghigliotty then left the scene, carrying the gun, entering his black Dodge and heading west on County Road 25 as the Plaintiff left the scene as well and Defendants Batts and Chartier arrived on the scene to investigate.

65. Taylor remained on the phone with 911 until Defendants Batts and Chartier and the other deputies arrived. Tannock spoke with Defendant Batts and advised

him that Ghigliotty pulled the gun on the Plaintiff and the Plaintiff attempted to defend himself by taking the gun from Ghigliotty.

66. Defendant Chartier spoke with witness Victor Angelo Rocchi who informed Defendant Chartier that the gun belonged to Ghigliotty, who was a friend of Rocchi's, and Rocchi picked up the gun magazine and a round that had fallen to the ground and hid them across the street from the bar.

67. Other deputies were setting up a perimeter and K-9 Deputy Combs encountered Ghigliotty actively hiding from law enforcement by concealing himself in bushes at the 12500 block of S.E. 135th Terrace in Ocklawaha. Ghigliotty untruthfully reported to Defendant Batts that the Plaintiff had introduced the gun into the altercation and shot him in his right hand.

68. Defendant Chartier placed the gun magazine and round into evidence at the Marion County Sheriff's Office, but failed to have the magazine or round processed for fingerprints to attempt to better determine the ownership of the firearm.

69. Defendant Batts filed his report regarding this incident the morning of September 12, 2011, and Defendant Chartier had access to all the information contained in Defendant Batts's report, including the statement from Tannock that Ghigliotty had the gun and that Ghigliotty had been actively hiding from her fellow deputies.

70. Defendant Chartier also had access to the reports from the 911 operator which included Taylor's statements that Ghigliotty had the gun and was threatening the Plaintiff and took the statement from Rocchi.

71. At 6:24 a.m on September 12, 2011, Defendant Chartier arrested the Plaintiff for aggravated battery with a firearm and did not conduct a gunshot primer

residue test to determine whether or not the Plaintiff had fired the pistol. Defendant Chartier also admitted to the Plaintiff that she knew the gun was not his but that the whole matter was "a cluster fuck" and that she "had to arrest somebody".

72. The Plaintiff was booked into the Marion County Jail ("jail"), which is run by the Defendant, Marion County Sheriff's Office, and was held on a fifty thousand dollar (\$50,000.00) bond, which the Plaintiff was unable to afford. The Plaintiff retained criminal defense attorney Melanie Slaughter to represent him in the criminal case and contracted with attorney Slaughter in the amount of seven thousand five hundred dollars (\$7,500.00) to represent him in that case.

73. The Plaintiff was held by the Defendant, Marion County Sheriff's Office, in the jail for twenty-nine days, until the Office of the State Attorney ("State") filed an announcement of no information on October 11, 2011 at which time the Plaintiff was released from custody.

74. The Plaintiff lost his job as a result of his arrest by Defendant Chartier and subsequent weeks of incarceration.

75. The State filed a 10-20-Life decline memorandum on November 18, 2011, in which the lack of probable cause for the Plaintiff's arrest and Defendant Chartier's failure to speak with the State about her decision to arrest the Plaintiff were both detailed.

76. As a direct and proximate result of the actions of the Defendants, the Plaintiff suffered the following injuries and damages:

a. Violation of his constitutional rights under the Fourth and Fourteenth Amendments of the United States Constitution to be free from unreasonable search and seizure of his person;

- b. Loss of physical liberty of his person; and
- c. Intentional, offense contact with his body.

77. The actions of the Defendants violated the clearly established and well settled constitutional rights of the Plaintiff:

- a. Freedom from the unreasonable search and seizure of his person.

78. Defendants Chartier, Batts and Marion County Sheriff's Office falsely imprisoned the Plaintiff by unlawfully detaining him against his will. The detention was unreasonable and unwarranted as the Defendants were aware that no probable cause existed to detain the Plaintiff.

### **COUNT III: BATTERY AGAINST DEFENDANT CHARTIER**

79. On the evening of September 11, 2011, at about 11:50 p.m. the Plaintiff, Jesse Scurlock, was outside walking past Ma Barker's bar in Ocklawaha, Marion County, Florida.

80. Andrew Ghigliotty, who had had disagreements with the Plaintiff in the past and who was at that time dating the Plaintiff's former girlfriend Christine Tannock, a bartender at Ma Barker's bar, came out of Ma Barker's and began to engage in a verbal dispute with the Plaintiff.

81. The dispute spilled out into the street when the Plaintiff left the bar and Ghigliotty pursued the Plaintiff outside.

82. The Plaintiff's mother, Jill Taylor, arrived on the scene and watched Ghigliotty lift his shirt and pull a pistol from the waistband of his pants and point it at the Plaintiff while moving towards him. Taylor got in between Ghigliotty and the Plaintiff while other people yelled at Ghigliotty to put the gun away.

83. The Plaintiff got around Taylor and confronted Ghigliotty while Taylor went into the bar and called 911 to report that Ghigliotty was threatening the Plaintiff with a pistol.

84. The Plaintiff defended himself by attempting to physically keep Ghigliotty from shooting him and during the scuffle, Ghigliotty shot himself in the hand with his own pistol.

85. Taylor heard the shot as she was on the phone with the 911 operator during this time at which time Ghigliotty entered the bar and Taylor informed the 911 operator that he had the gun in his left hand.

86. The 911 operator was relaying the information that Taylor was providing to her to the responding deputies, including the Defendants Chartier and Batts.

87. Ghigliotty then left the scene, carrying the gun, entering his black Dodge and heading west on County Road 25 as the Plaintiff left the scene as well and Defendants Batts and Chartier arrived on the scene to investigate.

88. Taylor remained on the phone with 911 until Defendants Batts and Chartier and the other deputies arrived. Tannock spoke with Defendant Batts and advised him that Ghigliotty pulled the gun on the Plaintiff and the Plaintiff attempted to defend himself by taking the gun from Ghigliotty.

89. Defendant Chartier spoke with witness Victor Angelo Rocchi who informed Defendant Chartier that the gun belonged to Ghigliotty, who was a friend of Rocchi's, and Rocchi picked up the gun magazine and a round that had fallen to the ground and hid them across the street from the bar.

90. Other deputies were setting up a perimeter and K-9 Deputy Combs encountered Ghigliotty actively hiding from law enforcement by concealing himself in bushes at the 12500 block of S.E. 135th Terrace in Ocklawaha. Ghigliotty untruthfully reported to Defendant Batts that the Plaintiff had introduced the gun into the altercation and shot him in his right hand.

91. Defendant Chartier placed the gun magazine and round into evidence at the Marion County Sheriff's Office, but failed to have the magazine or round processed for fingerprints to attempt to better determine the ownership of the firearm.

92. Defendant Batts filed his report regarding this incident the morning of September 12, 2011, and Defendant Chartier had access to all the information contained in Defendant Batts's report, including the statement from Tannock that Ghigliotty had the gun and that Ghigliotty had been actively hiding from her fellow deputies.

93. Defendant Chartier also had access to the reports from the 911 operator which included Taylor's statements that Ghigliotty had the gun and was threatening the Plaintiff and took the statement from Rocchi.

94. At 6:24 a.m on September 12, 2011, Defendant Chartier arrested the Plaintiff for aggravated battery with a firearm and did not conduct a gunshot primer residue test to determine whether or not the Plaintiff had fired the pistol. Defendant Chartier also admitted to the Plaintiff that she knew the gun was not his but that the whole matter was "a cluster fuck" and that she "had to arrest somebody".

95. The Plaintiff was booked into the Marion County Jail ("jail"), which is run by the Defendant, Marion County Sheriff's Office, and was held on a fifty thousand dollar (\$50,000.00) bond, which the Plaintiff was unable to afford. The Plaintiff retained



criminal defense attorney Melanie Slaughter to represent him in the criminal case and contracted with attorney Slaughter in the amount of seven thousand five hundred dollars (\$7,500.00) to represent him in that case.

96. The Plaintiff was held by the Defendant, Marion County Sheriff's Office, in the jail for twenty-nine days, until the Office of the State Attorney ("State") filed an announcement of no information on October 11, 2011 at which time the Plaintiff was released from custody.

97. The Plaintiff lost his job as a result of his arrest by Defendant Chartier and subsequent weeks of incarceration.

98. The State filed a 10-20-Life decline memorandum on November 18, 2011, in which the lack of probable cause for the Plaintiff's arrest and Defendant Chartier's failure to speak with the State about her decision to arrest the Plaintiff were both detailed.

99. As a direct and proximate result of the actions of the Defendants, the Plaintiff suffered the following injuries and damages:

a. Violation of his constitutional rights under the Fourth and Fourteenth Amendments of the United States Constitution to be free from unreasonable search and seizure of his person;

b. Loss of physical liberty of his person; and

c. Intentional, offense contact with his body.

100. The actions of the Defendants violated the clearly established and well settled constitutional rights of the Plaintiff:

a. Freedom from the unreasonable search and seizure of his person.

101. Defendant Chartier committed battery against the Plaintiff by intentionally and offensively contacting the Plaintiff's body by placing handcuffs on the Plaintiff and otherwise touching the Plaintiff during his arrest.

**COUNT IV: 42 U.S.C. § 1983 AGAINST DEFENDANT**

102. On the evening of September 11, 2011, at about 11:50 p.m. the Plaintiff, Jesse Scurlock, was outside walking past Ma Barker's bar in Ocklawaha, Marion County, Florida.

103. Andrew Ghigliotty, who had had disagreements with the Plaintiff in the past and who was at that time dating the Plaintiff's former girlfriend Christine Tannock, a bartender at Ma Barker's bar, came out of Ma Barker's and began to engage in a verbal dispute with the Plaintiff.

104. The dispute spilled out into the street when the Plaintiff left the bar and Ghigliotty pursued the Plaintiff outside.

105. The Plaintiff's mother, Jill Taylor, arrived on the scene and watched Ghigliotty lift his shirt and pull a pistol from the waistband of his pants and point it at the Plaintiff while moving towards him. Taylor got in between Ghigliotty and the Plaintiff while other people yelled at Ghigliotty to put the gun away.

106. The Plaintiff got around Taylor and confronted Ghigliotty while Taylor went into the bar and called 911 to report that Ghigliotty was threatening the Plaintiff with a pistol.

107. The Plaintiff defended himself by attempting to physically keep Ghigliotty from shooting him and during the scuffle, Ghigliotty shot himself in the hand with his own pistol.

108. Taylor heard the shot as she was on the phone with the 911 operator during this time at which time Ghigliotty entered the bar and Taylor informed the 911 operator that he had the gun in his left hand.

109. The 911 operator was relaying the information that Taylor was providing to her to the responding deputies, including the Defendants Chartier and Batts.

110. Ghigliotty then left the scene, carrying the gun, entering his black Dodge and heading west on County Road 25 as the Plaintiff left the scene as well and Defendants Batts and Chartier arrived on the scene to investigate.

111. Taylor remained on the phone with 911 until Defendants Batts and Chartier and the other deputies arrived. Tannock spoke with Defendant Batts and advised him that Ghigliotty pulled the gun on the Plaintiff and the Plaintiff attempted to defend himself by taking the gun from Ghigliotty.

112. Defendant Chartier spoke with witness Victor Angelo Rocchi who informed Defendant Chartier that the gun belonged to Ghigliotty, who was a friend of Rocchi's, and Rocchi picked up the gun magazine and a round that had fallen to the ground and hid them across the street from the bar.

113. Other deputies were setting up a perimeter and K-9 Deputy Combs encountered Ghigliotty actively hiding from law enforcement by concealing himself in bushes at the 12500 block of S.E. 135th Terrace in Ocklawaha. Ghigliotty untruthfully reported to Defendant Batts that the Plaintiff had introduced the gun into the altercation and shot him in his right hand.

114. Defendant Chartier placed the gun magazine and round into evidence at the Marion County Sheriff's Office, but failed to have the magazine or round processed for fingerprints to attempt to better determine the ownership of the firearm.

115. Defendant Batts filed his report regarding this incident the morning of September 12, 2011, and Defendant Chartier had access to all the information contained in Defendant Batts's report, including the statement from Tannock that Ghigliotty had the gun and that Ghigliotty had been actively hiding from her fellow deputies.

116. Defendant Chartier also had access to the reports from the 911 operator which included Taylor's statements that Ghigliotty had the gun and was threatening the Plaintiff and took the statement from Rocchi.

117. At 6:24 a.m on September 12, 2011, Defendant Chartier arrested the Plaintiff for aggravated battery with a firearm and did not conduct a gunshot primer residue test to determine whether or not the Plaintiff had fired the pistol. Defendant Chartier also admitted to the Plaintiff that she knew the gun was not his but that the whole matter was "a cluster fuck" and that she "had to arrest somebody".

118. The Plaintiff was booked into the Marion County Jail ("jail"), which is run by the Defendant, Marion County Sheriff's Office, and was held on a fifty thousand dollar (\$50,000.00) bond, which the Plaintiff was unable to afford. The Plaintiff retained criminal defense attorney Melanie Slaughter to represent him in the criminal case and contracted with attorney Slaughter in the amount of seven thousand five hundred dollars (\$7,500.00) to represent him in that case.

119. The Plaintiff was held by the Defendant, Marion County Sheriff's Office, in the jail for twenty-nine days, until the Office of the State Attorney ("State") filed an

announcement of no information on October 11, 2011 at which time the Plaintiff was released from custody.

120. The Plaintiff lost his job as a result of his arrest by Defendant Chartier and subsequent weeks of incarceration.

121. The State filed a 10-20-Life decline memorandum on November 18, 2011, in which the lack of probable cause for the Plaintiff's arrest and Defendant Chartier's failure to speak with the State about her decision to arrest the Plaintiff were both detailed.

122. As a direct and proximate result of the actions of the Defendants, the Plaintiff suffered the following injuries and damages:

a. Violation of his constitutional rights under the Fourth and Fourteenth Amendments of the United States Constitution to be free from unreasonable search and seizure of his person;

b. Loss of physical liberty of his person; and

c. Intentional, offense contact with his body.

123. The actions of the Defendants violated the clearly established and well settled constitutional rights of the Plaintiff:

a. Freedom from the unreasonable search and seizure of his person.

124. Prior to September 11, 2011, the Defendant Marion County Sheriff's Office developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in Marion County, Florida, which caused a violation of the Plaintiff's rights.

125. It was the policy and/or custom of the Marion County Sheriff's Office to fail to exercise reasonable care in the hiring of its deputy sheriffs, including Defendants

Chartier and Batts, thereby failing to adequately prevent constitutional violations on the part of its deputy sheriffs.

126. It was the policy and/or custom of the Marion County Sheriff's Office to inadequately train and supervise its deputy sheriffs, including Defendants Chartier and Batts, thereby failing to adequately deter further constitutional violations on the part of its deputy sheriffs.

127. As a result of the above described policies and/or customs, deputy sheriffs employed by the Marion County Sheriff's Office, including Defendants Chartier and Batts, believed that their actions would not be properly monitored by supervisory officers, and that misconduct would not be investigated or sanctioned, but rather it would be tolerated.

128. The above described policies and/or customs demonstrate a deliberate indifference on the part of the Marion County Sheriff's Office to the constitutional rights of persons within Marion County, Florida, and were the cause of the violations of the Plaintiff's rights herein.

**COUNT V: RESPONDEAT SUPERIOR OF MARION COUNTY SHERIFF'S  
OFFICE**

129. On the evening of September 11, 2011, at about 11:50 p.m. the Plaintiff, Jesse Scurlock, was outside walking past Ma Barker's bar in Ocklawaha, Marion County, Florida.

130. Andrew Ghigliotty, who had had disagreements with the Plaintiff in the past and who was at that time dating the Plaintiff's former girlfriend Christine Tannock, a

bartender at Ma Barker's bar, came out of Ma Barker's and began to engage in a verbal dispute with the Plaintiff.

131. The dispute spilled out into the street when the Plaintiff left the bar and Ghigliotty pursued the Plaintiff outside.

132. The Plaintiff's mother, Jill Taylor, arrived on the scene and watched Ghigliotty lift his shirt and pull a pistol from the waistband of his pants and point it at the Plaintiff while moving towards him. Taylor got in between Ghigliotty and the Plaintiff while other people yelled at Ghigliotty to put the gun away.

133. The Plaintiff got around Taylor and confronted Ghigliotty while Taylor went into the bar and called 911 to report that Ghigliotty was threatening the Plaintiff with a pistol.

134. The Plaintiff defended himself by attempting to physically keep Ghigliotty from shooting him and during the scuffle, Ghigliotty shot himself in the hand with his own pistol.

135. Taylor heard the shot as she was on the phone with the 911 operator during this time at which time Ghigliotty entered the bar and Taylor informed the 911 operator that he had the gun in his left hand.

136. The 911 operator was relaying the information that Taylor was providing to her to the responding deputies, including the Defendants Chartier and Batts.

137. Ghigliotty then left the scene, carrying the gun, entering his black Dodge and heading west on County Road 25 as the Plaintiff left the scene as well and Defendants Batts and Chartier arrived on the scene to investigate.

138. Taylor remained on the phone with 911 until Defendants Batts and Chartier and the other deputies arrived. Tannock spoke with Defendant Batts and advised him that Ghigliotty pulled the gun on the Plaintiff and the Plaintiff attempted to defend himself by taking the gun from Ghigliotty.

139. Defendant Chartier spoke with witness Victor Angelo Rocchi who informed Defendant Chartier that the gun belonged to Ghigliotty, who was a friend of Rocchi's, and Rocchi picked up the gun magazine and a round that had fallen to the ground and hid them across the street from the bar.

140. Other deputies were setting up a perimeter and K-9 Deputy Combs encountered Ghigliotty actively hiding from law enforcement by concealing himself in bushes at the 12500 block of S.E. 135th Terrace in Ocklawaha. Ghigliotty untruthfully reported to Defendant Batts that the Plaintiff had introduced the gun into the altercation and shot him in his right hand.

141. Defendant Chartier placed the gun magazine and round into evidence at the Marion County Sheriff's Office, but failed to have the magazine or round processed for fingerprints to attempt to better determine the ownership of the firearm.

142. Defendant Batts filed his report regarding this incident the morning of September 12, 2011, and Defendant Chartier had access to all the information contained in Defendant Batts's report, including the statement from Tannock that Ghigliotty had the gun and that Ghigliotty had been actively hiding from her fellow deputies.

143. Defendant Chartier also had access to the reports from the 911 operator which included Taylor's statements that Ghigliotty had the gun and was threatening the Plaintiff and took the statement from Rocchi.



144. At 6:24 a.m on September 12, 2011, Defendant Chartier arrested the Plaintiff for aggravated battery with a firearm and did not conduct a gunshot primer residue test to determine whether or not the Plaintiff had fired the pistol. Defendant Chartier also admitted to the Plaintiff that she knew the gun was not his but that the whole matter was "a cluster fuck" and that she "had to arrest somebody".

145. The Plaintiff was booked into the Marion County Jail ("jail"), which is run by the Defendant, Marion County Sheriff's Office, and was held on a fifty thousand dollar (\$50,000.00) bond, which the Plaintiff was unable to afford. The Plaintiff retained criminal defense attorney Melanie Slaughter to represent him in the criminal case and contracted with attorney Slaughter in the amount of seven thousand five hundred dollars (\$7,500.00) to represent him in that case.

146. The Plaintiff was held by the Defendant, Marion County Sheriff's Office, in the jail for twenty-nine days, until the Office of the State Attorney ("State") filed an announcement of no information on October 11, 2011 at which time the Plaintiff was released from custody.

147. The Plaintiff lost his job as a result of his arrest by Defendant Chartier and subsequent weeks of incarceration.

148. The State filed a 10-20-Life decline memorandum on November 18, 2011, in which the lack of probable cause for the Plaintiff's arrest and Defendant Chartier's failure to speak with the State about her decision to arrest the Plaintiff were both detailed.

149. As a direct and proximate result of the actions of the Defendants, the Plaintiff suffered the following injuries and damages:

a. Violation of his constitutional rights under the Fourth and Fourteenth Amendments of the United States Constitution to be free from unreasonable search and seizure of his person;

b. Loss of physical liberty of his person; and

c. Intentional, offense contact with his body.

150. The actions of the Defendants violated the clearly established and well settled constitutional rights of the Plaintiff:

a. Freedom from the unreasonable search and seizure of his person.

151. Defendant Marion County Sheriff's Office is liable for the battery and false imprisonment committed against Plaintiff by Defendants Chartier and Batts. The Marion County Sheriff's Office employed the deputies, who committed battery and false imprisonment while acting in the scope of their employment.

### **RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests that this Court

A. Enter judgment in favor of the Plaintiff against the Defendants;

B. Enter an order declaring Defendant Chartier's conduct unconstitutional;

C. Award Plaintiff compensatory and punitive damages against the Defendants;

D. Award Plaintiff's counsel reasonable attorney's fees pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law;

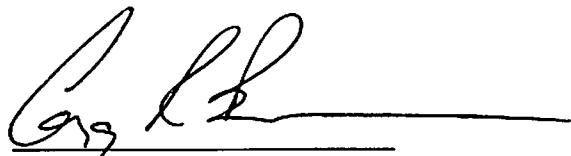
E. Enter a permanent injunction, upon proper Motion, requiring Defendant Marion County Sheriff's Office to adopt appropriate policies regarding the training and supervision of its deputy sheriffs; and

F. Grant to Plaintiff any and other relief the Court deems necessary and appropriate under the circumstances.

**JURY TRIAL DEMAND**

Plaintiff demands a jury trial, pursuant to the Seventh Amendment of the United States Constitution, as to all claims for damages.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregg R. Brennan', followed by a horizontal line.

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